

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIMBERLY MALONEY,

Plaintiff,

Civil Action No. 11-cv-14540

v.

District Judge Bernard A. Friedman  
Magistrate Judge Laurie J. Michelson

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**REPORT AND RECOMMENDATION ON CROSS-MOTIONS FOR SUMMARY  
JUDGMENT [9, 10] AND MOTION FOR WITHDRAWAL AND/OR DISMISSAL [11]**

Plaintiff Kimberly Maloney brought this action pursuant to 42 U.S.C. § 405(g) challenging the final decision of Defendant Commissioner of Social Security denying her application for Disability Insurance Benefits under the Social Security Act. Both parties filed summary judgment motions (Dkts. 9, 10), which were referred to this Court for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) (Dkt. 2).

On October 1, 2012, Plaintiff filed a Motion for Withdrawal and/or Dismissal of Complaint. (Dkt. 11.) Attached to the Motion is a signed statement by Plaintiff expressing her desire to dismiss this social security appeal. (*Id.*) The Motion is unopposed.

Accordingly, pursuant to Plaintiff's request to withdraw this case, the Court RECOMMENDS that Plaintiff's Complaint be dismissed and the summary judgment motions be dismissed as moot.

The parties to this action may object to and seek review of this Report and Recommendation within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1).

Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *McClanahan v. Comm'r Soc. Sec.*, 474 F.3d 830 (6th Cir. 2006) (internal quotation marks omitted); *Frontier*, 454 F.3d at 596-97. Objections are to be filed through the Case Management/Electronic Case Filing (CM/ECF) system or, if an appropriate exception applies, through the Clerk's Office. *See* E.D. Mich. LR 5.1. A copy of any objections is to be served upon this magistrate judge but this does not constitute filing. *See* E.D. Mich. LR 72.1(d)(2). Once an objection is filed, a response is due within fourteen (14) days of service, and a reply brief may be filed within seven (7) days of service of the response. E.D. Mich. LR 72.1(d)(3), (4).

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES MAGISTRATE JUDGE

Dated: October 25, 2012

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 25, 2012.

s/Jane Johnson  
Deputy Clerk